

REMARKS

Applicants traverse the Restriction Requirement and respectfully submit that Claims 1-18, a diagnostic device, and Claims 19-40, a method of detection using the diagnostic device, are classified in the same class 435. Therefore, a search for related prior art would not unduly burden the Examiner. Applicants respectfully submit that pursuant to MPEP § 803, restriction is not proper in this case:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

SUMMARY

Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the attorney of record by telephone or facsimile.

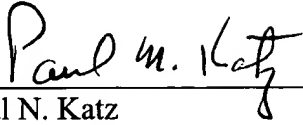
Applicants believe that no fee is due in association with this filing, however, should there be any fees due, including any fees for an extension of time, Applicants respectfully request that the Commissioner accept this as a Petition therefor, and herewith authorize the Commissioner to charge any fees due in association with this filing to Baker Botts L.L.P., (*formerly Baker & Botts, L.L.P.*), Deposit Account No. 02-0383, Order No. 068986.0107.

Respectfully submitted,

BAKER BOTTS L.L.P.

Date: August 2, 2002

By:


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